

UNITED STATES DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

POCKETED
NOV 20 2002

CECIL MURRAY,

Plaintiff

V.

JUDGE JOHN W DARRAH

02C 8387

No. _____

CITY OF CHICAGO, A
Municipal Corporation,
TERRY HILLIARD, TRACY MOSELEY,
TODD BRIDGES, PETAR BRKOVIC,
ROBERT WOZNICKI, THOMAS CARROLL,
LAWRENCE AIKIN JR., RANDOLPH STEVENS,
WILLIAM MINOGUE, RICHARD DALY,
DOMINIC CRESCENTE JR.

MAGISTRATE JUDGE KEYS

COMPLAINT FOR DAMAGES AGAINST CITY
SUPERVISORY PERSONNEL AND POLICE OFFICERS FOR POLICE
BRUTALITY PURSUANT TO ARREST.

1. This is a civil action seeking damages against Defendants for committing acts, under color of law, which deprived Plaintiff of rights secured under the Constitution and laws of the United States; for conspiring for the purpose of impeding and hindering the course of justice, with intent to deny Plaintiff equal protection of laws; and for refusing or neglecting to prevent such deprivations and denials to Plaintiff. The Court has jurisdiction of this action under 42 U.S.C. Sec. 1983 and 28 U.S.C. Sec. 1343.

2. The Court also has jurisdiction under 28 U.S.C. Sec. 1331.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
NOV 19 6 11 AM '02

FILED-EDM

11

COUNT I

1. On or about November 19, 2000, at approximately 3:30 a.m., Plaintiff was attempting to place a subject, unknown at the time, under arrest for the offence of Battery. This occurred at Polyester's located at 213 W. Institute Place, City of Chicago.
2. The offender fled from the club and was apprehended by the Plaintiff. The offender was brought over to a Chicago Police marked squad car. Officer Todd Bridges was the only officer inside of the car. The Plaintiff verbally and visually identified himself as a Chicago Police Detective and asked for assistance.
3. Defendant Bridges initially assisted the Plaintiff and the offender was detained at the rear of the car, outside.
4. Friends of the offender, consisting of David J. Burrows, Joseph Scalise, Steve A. Stephens and Anthony Perna fought with the Plaintiff and were able to free the offender from the Plaintiff. Officer Bridges did not assist the Plaintiff.
5. Defendants BURROWS, SCALISE, STEPHENS and PERNA continued to pull, struggle and prod the Plaintiff. It was at this time that the Plaintiff was shoved from behind.
6. In a defensive maneuver, the Plaintiff swung around and pushed the antagonist. This person turned to be (Defendant) Officer Tracy Moseley.
7. Defendants MOSELEY and BRIDGES were soon joined by Defendants BRKOVIC, WOZNICKI, CARROLL, AKIN JR., STEVENS, MINOGUE, DALY and CRESCENTE JR.
8. All of the Defendants (Police Officers) forced the Plaintiff against a sidewalk fence located at 214 W. Institute Place, City of Chicago.
9. The Plaintiff visually identified himself as a Chicago Police Detective to Defendant MOSELEY and asked that a supervisor come to the scene. The Plaintiff was then verbally assaulted by various Defendants.

10. Defendants MOSELEY, BRIDGES, BRKOVIC, WOZNICKI, CARROLL, AIKIN, STEVENS, MINOGUE, DALY and CRESCENTE then yanked the Plaintiff from the fence and without provocation, need, or explanation, assaulted and brutally beat the Plaintiff by dragging him on the sidewalk, wrestling him and kicking him in the head. The Plaintiff being in close custody and unable to resist the Defendants.


11. As a result of the assault by the Defendants, the Plaintiff suffered a laceration to his right side of head which in turn left a visible scar and excessive bleeding; abrasion to his right knee, neck pain and tenderness, and soreness to body and legs and swelling. As a result of the blows to the head, the Plaintiff suffered severe headaches which lasted until September of 2001. The Plaintiff was treated for these headaches on June 30, 2001 at St. Elizabeth's Hospital located at 1431 N. Claremont, City of Chicago. The Plaintiff was unable to work initially for approximately two weeks as a result of the injuries.

12. As a result of the Defendants concerted unlawful and malicious physical abuse of the Plaintiff, the Plaintiff was deprived of his right to equal protection of the laws and impeded the course of justice, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. Sec. 1983.

13. After the beating, the Plaintiff was taken to the 18th District Police Station. He was later charged with Battery of Defendant MOSELEY and Resisting Arrest.

WHEREFORE, Plaintiff MURRAY demands judgement against Defendants MOSELEY, BRIDGES, BRKOVIC, WOZNICKI, CARROLL, AIKIN, STEVENS, MINOGUE, DALY and CRESCENTE, jointly and severally, for compensatory damages and further demands judgement against each of said Defendants, jointly and severally for punitive damages plus the costs of this action and such other relief as the court deems just and equitable.

Dated Nov.18,2002


Cecil Murray

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MURRAY, CECIL A.

JUDGE JOHN W. DARRAH DEFENDANTS

CHICAGO POLICE DEPARTMENT

HILLIARD, TERRY, Superintendent

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

MAGISTRATE JUDGE KEYS

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

2516 W. LYNDALE
CHICAGO, IL 60647 312/623-7803

ATTORNEYS (IF KNOWN)

MARA GEORGES
Rm. 600
City Hall, City of Chicago

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PTF DEF
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 6 ☐ 6
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 5 ☐ 5

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 180 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patents <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 440 Commerce/KCC Rates/Act <input type="checkbox"/> 450 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 670 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 897 Constitutionalality of State Statutes <input type="checkbox"/> 898 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 445 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 520 General <input type="checkbox"/> 530 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1365M) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7604

VI. CAUSE OF ACTION

CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

POLICE BRUTALITY PURSUANT TO ARREST

42 USC SEC. 1983 / 28 USC 1343

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ YES☒ NO

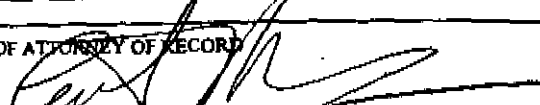
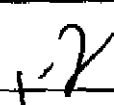
VIII. This case

☒ is not a refiling of a previously dismissed action.☐ is a refiling of case number _____ previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

NOV. 19, 2002

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

JUDGE JOHN W. DARRAH

In the Matter of

CECIL MURRAY

Plaintiff

v.

MAGISTRATE JUDGE KEYS

Case Number: 020-8387

CITY OF CHICAGO

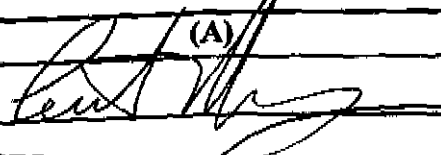
APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

PLAINTIFF

DOCKETED

NOV 20 2002

FILED-11
NOV 19 2002
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

(A)		(B)	
SIGNATURE 		SIGNATURE	
NAME CECIL MURRAY		NAME	
FIRM PRO SE		FIRM	
STREET ADDRESS 2516 W. LYNDALE		STREET ADDRESS	
CITY/STATE/ZIP CHICAGO, IL. 60647		CITY/STATE/ZIP	
TELEPHONE NUMBER 773/ 384-1552	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	